

Application No. 10/028,144

REMARKS

Present Status of the Claims

- Claims 1-55 are pending.
- Claims 23, 24, and 35-55 are allowed.
- Claims 1, 5-22 and 25-34 are rejected.
- Claims 2-4 are objected to.

Allowed Claims 35-55

Applicants gratefully acknowledge the Office's allowance of claims 23, 24 and 35-55.

Claims 2-4

Claims 2-4 were objected to and would be allowable if incorporated into the independent claim on which they depend.

In response, applicants have rewritten claim 2 to be in independent form, including all of the limitations of claim 1. Accordingly, claim 2 is now in condition for allowance.

Claims 3 and 4 depend from claim 2. Since claim 2 is now in condition for allowance, it follows that claims 3 and 4 are also now in condition for allowance.

102(b) Rejections

Rejection of Claims 1, 5-11, 22, and 25-34 under 35 U.S.C. § 102(b)

The Office rejected claims 1, 5-11, 22, and 25-34 under 35 U.S.C. 102(b) as being anticipated by Rason et al. (US 3,843,896).

In response, applicants have cancelled claim 1.

Additionally, applicants have amended claims 5, 6, 8, 10, 22, 25, 27 and 28 to depend from claim 2 (instead of depending from claim 1). Since claim 2 is now in

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condition for allowance, it follows that dependent claims 5, 6, 8, 10, 22, 25, 27 and 28 are also now in condition for allowance.

Claims 7, 9, 11-18, 20-21, 26 and 29

Claims 7, 9, 11-18, 20-21, 26 and 29 depend from claim 2, either directly or indirectly. Since claim 2 is now in condition for allowance, it follows that dependent claims 7, 9, 11-18, 20-21, 26 and 29 are also now in condition for allowance.

Independent claim 30

Applicants have amended claim 30 to include the limitation wherein said interelectrode gap is less than about 10 μm . As noted by the Office, *Rason et al.* do not teach an interelectrode gap less than 10 microns. Therefore, *Rason et al.* do not anticipate the present invention recited in claim 30, and the rejection under 35 USC 102 is improper. Accordingly, claim 30 is now in condition for allowance.

Claims 31-34

Claims 31-34 depend from claim 30. As presented above, applicants submit that claim 30 is in condition for allowance. Therefore, it follows that claims 31-34 are now in condition for allowance.

103 Rejections

Rejection of Claims 12-21 under 35 U.S.C. § 103

The Office rejected claims 12-21 under 35 U.S.C. 103 as being unpatentable over *Rason et al.*

In response, applicants have amended claim 19 to depend from claim 2.

Claims 12-21 depend from claim 2, either directly or indirectly. Since claim 2 is now in condition for allowance, it follows that dependent claims 12-21 are also now in condition for allowance.

Claim 56, which was never entered, was cancelled.

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CONCLUSION

Applicants have responded to each and every objection and rejection, and urge that claims **2-55** as presented are now in condition for allowance. Applicants request expeditious processing to issuance.

The Office is authorized to charge **Deposit Account # 19-0131** for any necessary fees regarding this response, in particular, for 1 new independent claim.

Respectfully submitted,

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